

**LABOR SERVICES DIVISION[875]**

**Adopted and Filed Emergency**

**Rule making related to emergency temporary standard related to COVID-19**

The Labor Commissioner hereby amends Chapter 10, “General Industry Safety and Health Rules,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 88.5.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 88.

*Purpose and Summary*

The Iowa Labor Commissioner is required to adopt by reference changes to the U.S. Department of Labor’s occupational safety and health standards. This rule making adopts by reference federal Occupational Safety and Health’s (OSHA’s) new emergency temporary standard (ETS) related to the COVID-19 pandemic. The ETS applies only to certain locations where health care services are provided, and it is set to expire after six months.

*Reason for Adoption of Rule Making Without  
Prior Notice and Opportunity for Public Participation*

Pursuant to Iowa Code section 17A.4(3), the Commissioner finds that notice and public participation are unnecessary or impractical because emergency adoption was approved by the Administrative Rules Review Committee. At 29 CFR 1953.5(b)(1), a requirement is set forth for Iowa to adopt by reference the new ETS within 30 days of the federal adoption.

In compliance with Iowa Code section 17A.4(3)“a,” the Administrative Rules Review Committee at its July 13, 2021, meeting reviewed the Commissioner’s determination and this rule making and approved the emergency adoption.

*Reason for Waiver of Normal Effective Date*

Pursuant to Iowa Code section 17A.5(2)“b”(1)(c), the Commissioner also finds that the normal effective date of this rule making, 35 days after publication, should be waived and the rule making made effective on July 21, 2021, because federal OSHA found that the ETS is necessary due to the grave danger posed by the COVID-19 virus. Iowa Code section 88.5(5) is closely aligned with the federal ETS law. The ETS is aimed at protecting workers facing the highest COVID-19 hazards—those working in health care settings where suspected or confirmed COVID-19 patients are treated.

*Adoption of Rule Making*

This rule making was adopted by the Commissioner on July 20, 2021.

*Concurrent Publication of Notice of Intended Action*

In addition to its adoption on an emergency basis, this rule making has been initiated through the normal rule-making process and is published herein under Notice of Intended Action as **ARC 5846C** to allow for public comment.

### *Fiscal Impact*

In the Federal Register, the U.S. Department of Labor published a large amount of data as part of its economic analysis. The analysis concluded the ETS is economically feasible and the benefits far outweigh the costs. However, data specific to Iowa is not available.

### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commissioner for a waiver of the discretionary provisions, if any, pursuant to 875—Chapter 5.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

### *Effective Date*

This rule making became effective on July 22, 2021.

The following rule-making action is adopted:

Amend rule **875—10.20(88)** by inserting the following at the end thereof:  
86 Fed. Reg. 32620 (June 22, 2021)

[Filed Emergency 7/20/21, effective 7/22/21]

[Published 8/11/21]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/11/21.